

**NEBRASKA BOARD OF PHARMACY**  
**MEETING MINUTES**  
**January 25, 2016**

**ROLL CALL**

Jennifer King, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:00 a.m. in the Lighthouse Room of the Country Inn & Suites, located at 5353 North 27<sup>th</sup> Street, Lincoln, Nebraska. The agenda was provided to Board members, posted on a public bulletin board in the Nebraska State Office Building, posted on the Department's website, and e-mailed to the "interested parties" list prior to the meeting. The following Board members answered roll call:

Jennifer King, R.P., Chair  
Patricia Gollner, R.P., Vice-Chair  
Michael Losee, Secretary  
Kenneth Saunders, R.P.  
Robert Marshall, R.P.

A quorum was present and the meeting convened.

Also present were: Lisa Anderson, Assistant Attorney General; Mindy Lester, Assistant Attorney General; Mike Rueb, R.P., Pharmacy Inspector; Dean Willson, Jr., R.P., Pharmacy Inspector; Gary Cheloha, RP, Pharmacy Inspector; Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Teresa Hampton, Department Legal; Jeff Newman, Investigator; and Carla Cue, Investigator.

King announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

**REVIEW OF AGENDA**

Adoption of Agenda

Marshall moved, seconded by Losee, to approve the agenda as presented with the Chair having the authority to rearrange agenda items as needed. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

**NEBRASKA COMMUNITY PHARMACY DEMOGRAPHICS REPORT 2015 – KIMBERLY A. GALT, PHARM.D (CREIGHTON UNIVERSITY) AND DANIELLE WING, MPH (DHHS)**

Ms. Wing provided an overview of the survey sent to pharmacists and corporate pharmacy managers who employ pharmacists in ambulatory care settings clinically-related services, including medication therapy management (MTM) services. The findings will help determine the readiness of pharmacists in the state of Nebraska to reliably provide these services and the extent to which companies that employ pharmacists incorporate these services into business strategies. Ms. Galt provided the Board members with a written report and explained some results of the survey. The Board thanked Ms. Galt and Ms. Wing for their work. A copy of the report is available on the Creighton University School of Pharmacy and Health Professions website.

**REVIEW OF AGENDA CON'T**

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

Cara Grant – Pharmacy Technician application  
Gary Batres – Pharmacy Technician application  
Drug Depot Inc. dba APS Pharmacy – Mail Service Pharmacy Application  
Prime Aid Pharmacy – Mail Service Pharmacy application  
Pharmacy Creations – Mail Service Pharmacy application  
Medisca – Wholesale Drug Distributor application

### Adoption of Consent Agenda

Marshall moved, seconded by Losee, to approve the consent agenda as amended. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

### **INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS & APPLICATION REVIEW – CLOSED SESSION**

Losee moved, seconded by Gollner, to close the session at 9:48 a.m. to review investigational reports, disciplinary reports, controlled substances audit reports and applications. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

Hampton left the meeting at 9:48 a.m.  
Hampton rejoined the meeting at 10:06 a.m.

Marshall recused himself from the meeting at 11:11 a.m.  
Marshall rejoined the meeting at 11:13 a.m.

Marshall moved, seconded by Losee, to open the session at 11:21 a.m. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

### **APPROVAL OF MINUTES**

November 9, 2015

Page 1: No changes.

Page 2: No changes.

Page 3: No changes.

Page 4: Correct the spelling of “pharmacist” in the first title on the page and make it plural. Under NEBRASKA PHARMACISTS ASSOCIATION (NPA) DRUG DISPOSAL PROJECT UPDATE – KRISTEN ANDERSON, PROJECT COORDINATOR, second sentence, add “are” after the word “there”. Marshall also ask that the practice questions be included under PRACTICE QUESTION(S) – BOARD RESPONSES and that a copy of the Board’s response be attached to the minutes.

Marshall moved, seconded by Gollner, to approve the November 9, 2015 minutes as corrected. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

### **BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION**

#### Mail Service Pharmacy Application(s) (6)

Marshall moved, seconded by Losee, to recommend issuing a mail service pharmacy permit to Drug Depot Inc dba APS Pharmacy. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Gollner moved seconded by Saunders, to recommend issuing a mail service pharmacy permit to Pharmacy Creations. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved seconded by Losee, to recommend issuing a mail service pharmacy permit to Prime Aid Pharmacy. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### Mail Service Pharmacy Renewal Application(s) (1) – CONSENT

#### Pharmacy Technician Application(s) (13)

Saunders moved, seconded by Gollner, to recommend issuing a pharmacy technician registration to Cara Grant. Voting aye: Gollner, King, Losee, and Saunders. Voting nay: Marshall. Motion carried.

Gollner moved, seconded by Saunders, to recommend issuing a pharmacy technician registration to Gary Batres. Voting aye: Gollner, King, Losee, and Saunders. Voting nay: None. Abstain: Marshall. Motion carried.

#### Pharmacist Application(s) (1) – CONSENT

#### Wholesale Drug Distributor Application(s) (1)

Saunders moved, seconded by Gollner, to recommend issuing a wholesale drug distributor license to Medisca. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### E-Mail Ballot(s) Since Last Meeting

The Board voted by e-mail ballot to issue a pharmacy technician registration to Aaron Peterson on November 19, 2015.

#### REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (1) – CONSENT

#### NEHII UPDATE ON THE PRESCRIPTION DRUG OVERDOSE PREVENTION GRANT – DEB BASS, CHIEF EXECUTIVE OFFICER, NEHII

Deb Bass, Chief Executive Officer, NeHii, presented to the Board an overview of what NeHii is working on. Legislation has been introduced to address the ability for a patient to opt out. Ms. Bass explained that there would be no cost to receive or query the data. Individuals are looking into eliminating dual entries. Committees will include members from both the Board of Medicine and Surgery and the Board of Pharmacy. Ms. Bass will keep the Board updated on the progress of the prevention grant as it pertains to NeHii. The Board thanked Ms. Bass for the update.

#### DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Apking explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department's website. Gollner moved, seconded by Saunders, to continue the same method that the Department has been using to provide public notice of this Board's meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department's website. Voting aye: Gollner, King, Losee, Marshall, Saunders. Voting nay: None. Motion carried.

#### HOSPITAL PHARMACY UPDATES

Diana Meyer, DHHS Program Manager II, provided the Board with an update regarding Hospital Pharmacies. Copies of the letters and documents sent to hospital pharmacies were provided to the Board members. Ms. Meyer explained "deemed" status and the Centers for Medicare and Medicaid Services (CMS) directs how many surveys Nebraska performs and who gets a survey. King suggested updating the Pharmacist-In-Charge Responsibility Survey to address hospital pharmacy practice. Ms. Meyer mentioned that more notifications will be sent out addressing self-inspections and reporting requirements. The Board thanked Ms. Meyer for the update.

#### NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES

#### Report on the NABP Interactive Compliance Officer and Legal Counsel Forum

Rueb and Kevin Griess, Department Legal attended this meeting. Rueb provided the Board with highlights from some of the topics of discussion that included ways pharmacies are preventing drug losses or robberies and gang trends of recruiting pharmacy technicians and using children ages 10-12 to perform the robberies because if they are caught they don't get much jail time.

#### 2016 District V Meeting Planning

Marshall explained that discussions with the Sheldon Art Gallery for dinner and the Athletic Department for tour were taking place. Discussion Topics such as patient safety, NeHii, and Think Nebraska were being discussed. They have asked NABP for names of suggested speakers.

## **2016 LEGISLATION**

### **LB 680 – Change requirements for pharmacy technicians**

The Board decided to send a letter of support for this legislation.

### **LB 804 – Adopt the Investigational Drug Use Act**

The Board chose to watch this legislation.

### **LB 471 – Change provisions relating to prescription drug monitoring**

The Board decided to send a letter of support for this legislation. Marshall volunteered to help write the letter.

### **LB 901 – Change dental assistant and licensed dental hygienist provisions**

The Board chose to watch this legislation.

### **LB 979 – Provide for Selection of Interchangeable Biological products by Pharmacists**

The Board chose to watch this legislation.

### **LB 980 – Change Penalty Provisions for Certain Violations Relating to or Committed by Persons Experiencing or Witnessing a Drug Overdose**

The Board chose to watch this legislation.

### **LB1009 – Prohibit the sale and use of certain synthetic drugs under the Uniform Controlled Substances Act and the Uniform Deceptive Trade practices Act**

The Board chose to watch this legislation.

### **LB 1060 – Adopt the Pharmacy Benefit Fairness and Transparency Act and provide duties for the Director of Insurance**

The Board decided to send a letter of support for this legislation.

### **LB 859 – Change cease and desist orders under the Uniform Credentialing Act**

The Board chose to watch this legislation.

### **LB 567 – Permit transfer of prescription information between pharmacies as prescribed**

The Board discussed that this is a common practice in Nebraska already. Marshall offered to write a letter.

## **ELECTION OF OFFICERS**

Marshall moved, seconded by Saunders, to nominate Gollner as Chairperson for 2016. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved, seconded by Losee, to nominate Saunders as Vice-Chairperson for 2016. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Saunders moved, seconded by Losee, to nominate Marshall as Secretary for 2016. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

**ADJOURNMENT**

Marshall moved, seconded by Losee, to adjourn the meeting at 1:38 pm. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Michael Losee, Secretary  
Board of Pharmacy